

### **REMARKS**

Claims 6 and 22-27 are now pending in the application. Claims 1-5 and 7-21 have been cancelled, without prejudice; claim 6 has been amended; and new claims 22-27 have been added. The basis for the foregoing amendments may be found throughout the written description, drawings and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 3, 5-6 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Daniel (U.S. Pat. No. 5,297,538). Claims 3-9, 12 and 20-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Royse (WO 01/06934). These rejections are respectfully traversed, particularly in view of the foregoing amendments and following remarks.

With regard to the rejections of claims 3-5, 7-9, 12 and 20-21, these claims are cancelled herewith, rendering this rejection moot. Applicant, therefore, respectfully requests that these rejections be withdrawn.

Claim 6, as amended, defines a retractor device in which the mounting portions of the blades are adjustable in position along the length of the arm of the retractor and lockable in a selected position. Support for amended claim 6 may be found, *inter alia*, at Figures 4 and 5; and p. 6, ln. 20 – p.7, ln. 10. As disclosed, when the mounting portion is held parallel to the arm it can be slid along the arm; but when skewed slightly relative to the arm, however, it locks via engagement by an adjacent one of the

abutment edges formed by grooves in the corner portions of the arm. This adjustment and locking system and its two practical forms – in which either the mounting portion of the blade can be set into a selected one of multiple possible angular positions around the axis of the arm or in which it can freely rotate about the axis of the arm – is able to be easily produced and avoids the use of multiple components, such as ratchet and spring systems, which can raise difficulties in achieving effective cleaning and sterilization of the device after a surgery.

By contrast, Daniel (US 5297538) discloses that the adjustment of the blades along the arms is by cooperating sets of serrations engageable under the action of a leaf spring arrangement. Daniel does not disclose the configuration defined in claim 6 in which the inner surface of the mounting portion is of a diameter slightly greater than that of the arm to enable the sliding adjustment when parallel, and the locking action when slightly skewed.

Neither is the construction of claim 6 disclosed in Royse (WO 01106934). In Royse, the blades are mounted to the arms by engagement of balls at the ends of the blades in sockets defined between separate sleeves which are interchangeably mounted on the arms to facilitate different longitudinal positions and which are locatable in different angular positions to facilitate angular adjustment of the blades.

In view of the foregoing amendments and discussion, Applicant respectfully submits that claims 6 is patentable and thereby requests that these rejections to claim 6 be reconsidered and withdrawn.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel (U.S. Pat. No. 5,297,538) in view of Bogert et al. (U.S. Pat. No. 4,796,661).

Claims 20-21 have been cancelled herewith, rendering this rejection moot. Applicant, therefore, respectfully requests that these rejections be withdrawn.

### **NEW CLAIMS 22-27**

New dependent claims 22-27 have been added, all of which ultimately depend from amended claim 6.

New claim 22 relates to the polygonal cross-sectional configuration of the arms, the relationship of that configuration to the abutment edges formed by grooves intersecting the corner portions and the locking action which occurs on skewing of the mounting portion by engagement of an edge of the mounting portion with the groove. This configuration is not disclosed in any of the cited references.

New claim 23 defines the form of the mounting portion with multiple longitudinal grooves around the inner surface to co-operate with the corner portions of the polygonal cross-section to retain the mounting portion in one of a variety of different angular positions relative to the arm. Again, there is no disclosure of this in any of the references.

New claim 24 specifies the set of blades as being of two types, the first having mounting portions which can rotate about the axis of the arm and the other having mounting portions which can be locked in a selected one of multiple possible angular

positions relative to the arm. The use of a blade set having blades with these different characteristics is also not shown in the references.

Additional aspects which further distinguish over the references are found in claims 25-27.

Applicant respectfully submits that claims 6 and 22-27 are patentable and in condition for allowance.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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